

CAP. X.

His Prerogative in the Preservation of the Lands of Lunaticks.

Also the King shall provide, when any (that before-time hath had his Wit and Memory) happen to fail of his Wit, and there are many *perlucida intervalla*, that their Lands and Tenements shall be safely kept without Waste and Destruction, and that they and their Household shall live and be maintained competently with the Profits of the same, and the residue besides their Sustentation shall be kept to their Use, to be delivered unto them when they come to right Mind; (2) so that such Lands and Tenements shall in no wise be aliened; (3) and the King shall take nothing to his own use. (4) And if the party die in such estate, then the residue shall be distributed for his Soul by the Advice of the Ordinary.

4 Co. 127. Regist. 266. 32 H. 8, c. 46.

Scope of statutes.—In *Beverley's case*, 4 Rep. 123 b. Lord Coke observes upon the first of these statutes: 1st, that the law gives the King but the custody of the lands of the idiot, and though that continues during the life of the idiot, yet the freehold is in him and not in the King; 2d, that though the Statute mentions custody of the lands, yet the King shall have as well the custody of the body and of his goods and chattels as of the land and other hereditaments, as well those he has by purchase as by descent; 3d, that the idiot here spoken of is one *a nativitate*, and not by accident or infirmity, and 4th, that no feoffment, gift, &c. that an idiot can make of his inheritance, but may be avoided during his life, but not after his death, by office found at the King's suit, and on a *seire facias* against the alienees the inheritance be revested in the idiot, and all gifts of his goods and bonds, entered into by the idiot, are likewise avoided by office found. The same law, he says, is of a man who becomes *non compos mentis* and aliens his lands or goods, and it is found, by office at the King's suit, that he has aliened, &c. the King shall protect him who can't protect himself, and take the profits of his lands and of all he had, (which the King could not do if his alienation or gift should stand,) and therewith maintain him and his family, but the King shall not take any part of said profits to his own use, as appears by *Stat. Prærogat. Reg. c. 10*, which was but a declaration of the common law. And he adds, citing the case of *Frauncis v. Holmes*, that this is to the intent that the King may
163 provide, *that he that wants reason shall not alien his lands, nor waste his goods, and the King, after office found, has only provision, and not any custody or possession of the Body or lands of one *non compos mentis*, as he has of an idiot, and has nothing to grant over. But if the King provides one to have care and charge that he who is *non compos mentis* and his family shall be maintained and that nothing shall be